



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/435,170 11/05/99 OLIVARES

H 547

EXAMINER

QM12/0224

JOHN D GUGLIOTTA PE ESQUIRE
202 DELEWARE BUILDING
137 SOUTH MAIN STREET
AKRON OH 44308

PAYER, H	
ART UNIT	PAPER NUMBER

3724

3

DATE MAILED:

02/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/435,170

Applicant(s)

Olivares

Examiner
Hwei-Siu Payer

Group Art Unit
3724



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Nov 5, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

Detailed Action

The Information Disclosure Statement (IDS) filed on 11-5-1999 has been received. However, no PTO-1449 has been accompanied with the IDS. Accordingly, the documents cited in the IDS have been transcribed onto the PTO-892 enclosed with this Office action.

Drawings Objection

The drawings are objected to because:

- (1) In Fig.6, reference numeral "15" lacks a lead line.
- (2) In Fig.7, reference element "15b" has been used to designate two different components.

Correction is required.

Objection to the Specification

The disclosure is objected to because of the following informalities:

- (1) On pages 5 and 8, line II-II is not found in Fig.2.
- (2) On page 8, reference element "15a" is not found in any drawings.
- (3) On page 8, reference element "21c" has been given different designations as "a positive battery contact-- and --a ground wire--.

Art Unit: 3724

(4) Reference element "21a" (on page 8 and Fig.7) and reference element "20a" (on page 9 and Fig.8) have been used to designate the same part (i.e. a battery compartment).

Appropriate correction is required.

Claims Objection

Claims 1-3 are objected to because of the following informalities:

- (1) In claim 1, line 4, "batter" should read --battery--.
- (2) In claim 1, line 5, "." should be deleted.
- (3) In claim 1, line 6, "motorized head" should read --a motorized head--.
- (4) In claim 1, line 8, "plurality of" should read --a plurality of--.
- (5) In claim 2, line 3, "blade receiving slot" should read --a blade receiving slot--.
- (6) In claim 2, line 6, "locking mechanism" should read --a locking mechanism--.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3724

2. Claims 2-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, "said blades" has no clear antecedent basis.

Claim Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Torbet.

Torbet's electric knife comprises a handle (16) having an internal cavity containing an electric motor (36) in a mechanical communication with blade receiving means (109); a rechargeable battery (38) disposed within the handle (16) for supplying power to the electric motor (36); a motorized head (i.e. the portion of the knife that houses the blade receiving means) for providing a base for the blade receiving means (109), a plurality of interchangeable blade elements (see Abstract) capable of attaching, in a removable manner, to the blade receiving means (109), and a locking mechanism (111) as claimed.

Art Unit: 3724

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torbet in view of Jeffcoat.

Torbet's knife as set forth shows all the claimed features except it lacks a blade receiving slot in the handle (16) for storing the plurality of blade elements when they are not attached to the blade receiving means (109).

Jeffcoat teaches (Figs. 19A and 19B, column 12, lines 6-31) a knife comprising a handle having a slot/compartiment formed therein for receiving a plurality of blade elements which can be stored in the compartment when not in use. Also, the blade elements can be customized to suit an individual user.

It would have been obvious to one skilled in the art to modify Torbet's knife by providing the knife handle (16) with a compartment formed therein to facilitate storing additional blade elements and to provide easy access of the blade elements when needed as taught by Jeffcoat. The claimed type of blade elements is not patentably distinct, since the type of blade elements depends more upon the individual user than on any inventive concept.

Art Unit: 3724

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burto, Peterson, Christensen, Beveridge, Streger and Yost are cited as art of interest.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu Payer her telephone number is (703) 308-1405. She can normally be reached on Monday through Friday from 7:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at (703) 308-2187.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Group FAX number is (703) 305-3579. Any transmission which applicant does not want to be considered as an official response should be clearly marked as "DRAFT".

H. Payer
February 22, 2000



**Hwei-Siu Payer
Primary Examiner**